

United States Government

Department of Energy

Rocky Flats Field Office

memorandum

DATE: JAN 27 2000

REPLY TO:
ATTN OF: AME:ESD:MH:00-01073

SUBJECT: Rocky Flats Field Office Commitment to DOE Manual 435.1 Interpretation

TO: Robert G. Card
President
Kaiser-Hill Company, L.L.C.

The purpose of this memorandum is to formally document the Department of Energy (DOE), Rocky Flats Field Office (RFFO) acknowledgement of the Kaiser-Hill Company, L.L.C. (K-H) interpretation of certain DOE Orders and Directives in the K-H Contract DE-AC34-00RF01904. The DOE RFFO expects K-H to conduct its business at the Rocky Flats Environmental Technology Site (Site) in accordance with all DOE Orders and Directives included in Section J, Attachment B of the contract.

The DOE also recognizes the unique nature of the closure contract for the Site and is committed to ensuring a flexible interpretation of DOE Orders and Directives to move the project to its safe and expeditious conclusion. Section J, Attachment B includes provisions for a "sunset clause," and self-deleting of requirements not applicable to the Site. Through the standard exemption process, the DOE RFFO and/or DOE Headquarters will exempt K-H from those DOE Orders and Directives and portions of such Orders and Directives on a case by case basis as appropriate.

Additionally, the DOE RFFO has considered site-specific interpretations of DOE Orders and Directives more appropriate to a closure contract. In cases where a modified interpretation would enhance the progress of closure without a significant impact on public health and safety, the environment, or site safeguards and security, DOE RFFO will implement such an interpretation.

Specifically, the following subsection requirements are described:

- Chapter 1, Subsection 2.F.(1): These requirements will be met by contractor waste program documents and planning process as is current process. Consolidation of these documents and process will not be required to demonstrate compliance.
- Chapter 1, Subsection 2.F.(4): Contractor shall be allowed to use non-DOE facilities if their use is more practical or cost-effective than the use of DOE sites. The current contractor facility utilization determination process meets the intent of the Order.

- Chapter 1, Subsections 2.F.(6) and (7) and Chapter 4, Section J: As is current practice, requirements will be met by compliance with the Waste Isolation Pilot Plant, Nevada Test Site, and commercial treatment/storage/disposal facilities' waste acceptance and certification programs. No additional onsite facility-specific certification programs will be needed to meet the requirements of the Order.
- Chapter 1, Subsection 2.F.(19): This requirement is applicable only to operating facilities, and the project will continue to generate these materials from site closure activities without additional RFFO approval, as is current practice.
- Chapter 3, Section E. and Chapter 4, Section E.: Site facilities are currently designed and operated within the facility authorization basis and Resource Conservation and Recovery Act (RCRA) requirements, and no further evaluation or facility modifications, as is current practice, are required to meet the intent of the Order.
- Chapter 3, Subsection H.(2) and Chapter 4, Subsection H.(2): These requirements are applicable only to operating activities, and the project will continue to generate these materials from site closure activities without additional RFFO approval, as is current practice.
- Chapter 4, Subsections D.(2) and (3): The Site's current authorization bases and permit documents meet this requirement. Per current practice, additional consolidation of these documents and verification is not required to demonstrate compliance.
- Chapter 4, Subsection N.(2): This requirement is applicable only to ongoing operations generating new waste. As is current practice, the contractor will continue to store materials generated from closure activities as necessary without additional RFFO approval.
- Chapter 4, Subsection N.(6): This requirement will be met through compliance with Site RCRA permits and, as is current practice, no further evaluation or segregation is required to meet the intent of the Order.

The DOE RFFO reserves the right to reevaluate or eliminate any modified interpretation and to require specific compliance with all applicable DOE Orders and Directives. Any further change to this interpretation would be subject to standard contractual change control requirements.



Paul Golan
Acting Manager

cc:
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